



## **POLICIES & PROCEDURES MANUAL**

Rev. June 2016

### **SECTION 1 - STATEMENT OF POLICY**

#### **SECTION 1.1 VISION**

East Polk County Association of REALTORS® (here forwards known as EPCAR or The Association) is recognized as the voice of real estate for ethical, professional, and technologically advanced real estate services as well as being the public advocate for its members and the consumers they serve.

#### **SECTION 1.2 MISSION**

EPCAR promotes ethical behavior, provides quality education and services to members, & protects private property rights

#### **SECTION 1.3 EQUAL OPPORTUNITY**

We affirm support for equal opportunity in housing and are dedicated to fulfilling the requirements of the fair housing laws.

The East Polk County Association of REALTORS® extends employment opportunities and benefits as an equal opportunity employer.

#### **SECTION 1.4 ETHICS AND PROFESSIONAL STANDARDS**

EPCAR abides by the Code of Ethics and the Standards of Practice for professional conduct of the National Association of REALTORS®.

#### **SECTION 1.5 LEGISLATION / POLITICAL INVOLVEMENT**

EPCAR encourages political involvement by its members and will strive to keep our members informed in areas of political activity affecting our industry.

To seek appropriate input in the consideration of candidates, issues and legislation that affects the real estate industry, such as: candidate screening and support of REALTORS® Political Action Committee (RPAC). On behalf of the Association, by a majority vote, the Board of Directors may embrace or appeal public position brought before them.

#### **SECTION 1.6 ANTITRUST LAW**

EPCAR adheres to the Federal Antitrust laws.

#### *ANTITRUST POLICY STATEMENT*

*These policies apply to all membership, board, committee and other meetings sponsored by the East Polk County Association of REALTORS®. It is this Association's policy that a copy of this Antitrust Policy Statement be given to each officer, director, committee member, official representative of member firms, meeting attendees, and Association employees at least annually and that the same be read, or understood, at all meetings of the membership.*

It is this Association's policy that at all meetings attended by representatives of the Association where discussion may border on an area of antitrust sensitivity, that the Association's representative request that the discussion be stopped and ask that the request be made a part of the minutes of the meeting. If others continue such discussion, the Association's representative should excuse themselves from the meeting and request that the minutes show that they left and why they left. Any such instances should be reported immediately to the President and the Chief Executive.

It shall be the policy of the East Polk County Association of REALTORS® to be in strict compliance with all Federal and State Antitrust laws, rules and regulations and to avoid even the appearance of unlawful action. Therefore:

- *Discussions of commissions, price and price levels are prohibited.*
- *No discussion is permitted of any elements of an individual or firm's operations which might influence price such as cost of operations, supplies, labor or services, allowance for discounts, terms of sale, including credit arrangements, profit margins and mark ups. (This limitation shall not extend to discussions of methods of operation maintenance, and similar matters in which cost or efficiency is merely incidental.)*
- *It is a violation of Antitrust laws to agree not to compete, therefore, discussions of division of territories or customer or limitations on the nature of business carried on or products sold are not permitted.*
- *Boycotts in any form are unlawful. Discussion relating to boycotts is prohibited, including discussions about blacklisting or unfavorable reports about particular individuals or firm's business practices or financial condition.*
- *Tying arrangements or such discussions are potential antitrust violations. Tying arrangements can occur when the sale of one good or service is conditional upon the sale of a second distinctive good or service. (April 27<sup>th</sup>, 2016)*

## **SECTION 2 - ORGANIZATION**

### **SECTION 2.1 OFFICE LOCATION**

The headquarters shall be at 700 Avenue B SW, Winter Haven, Florida.

### **SECTION 2.2 TAX STATUS**

The organization shall be organized as an IRS (501 c 6) organization (not- for profit).

### **SECTION 2.3 LEGAL AND PROFESSIONAL COUNSEL**

The Executive Committee, subject to the approval of the Board of Directors may retain legal and other professional counsel and negotiate the terms of contractual agreement.

Only the Association Executive and/or the President have the authority to request necessary services.

### **SECTION 2.1 THE ELECTION PROCESS**

No elected/appointed director or officer shall have served in the same capacity for more than two consecutive terms. The same person may not serve consecutive terms as P.

The Nominating Committee will select a slate which when final shall be submitted to the Board of Directors, as a courtesy, no later than 24 hours before sending to the General Membership.

The names of the recommended slate of candidates will be published at least 5 weeks prior to the election.

Nominations by petition signed by at least 5% of REALTOR® members eligible to vote must be submitted to the Chief Executive at least 3 weeks prior to the election. The Chief Executive will send a notice of additional nominees to all members eligible to vote at least 1 week prior to the election.

Candidates may not run for more than one office.

The Board of Directors will designate the voting method. The Voting Method, if electronic, will begin 11 days prior to the election and through midnight of the day before election.

Election shall be by a simple majority. Those receiving the highest number of votes will be deemed to have been elected. In case of a tie, the election shall be determined by a runoff ballot in the same manner as the election.

There will no campaigning on Association property.

New officers and directors will take office on January 1.

All votes cast shall be reported.

## **SECTION 2.5 OFFICERS, BOARD OF DIRECTORS, AND COMMITTEE ROLES & AND RESPONSIBILITIES**

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### **President's Duties**

Short Description: The President is the chief elected officer of the association and serves as chair of the Association's Executive Committee and Board of Directors.

President's Specific Responsibilities are to:

1. Ensure that the mission of the Association is advanced while adhering to the Association's bylaws and policies and executing the strategic plan.
2. Preside at all meetings of the Board of Directors, voting only to break a tie.
3. Set the date, location and agenda of all Executive Committee meetings.
4. Submit to the Board of Directors, for their approval, the names of the committees and the chairs for the coming year prior to taking office. It is at the President's discretion to appoint a replacement committee chair if a vacancy occurs during his/her term.
5. Appoint special Task Forces as needed.
6. Serve as an ex-officio voting member of all EPCAR committees.
7. Convene Hearing Panels for Appeals as prescribed in the NAR Code of Ethics procedural guidelines.

8. Officially speak on behalf of the Association and represent the Association before other groups when invited to do so. The President should speak in favor of issues adopted by the Association, against those issues the Association opposes and take no side on issues the Association has chosen not to take a position.
9. Serve as a Director of the Florida Realtors® during the term of office and attend all Florida Realtors® and NAR meetings as noted in the Travel Section.
10. Call a meeting of any committee or task force at any time.
11. Serve as signatory on behalf of the Association when deemed necessary.

B. President-Elect’s Duties

Short Description: The President-Elect shall serve as a member of the Executive Committee and assist the President in performing his/her duties. The President-Elect shall use his/her term of office to prepare to serve as President.

President-Elect’s Specific Responsibilities are to:

1. Serve as presiding officer ~~in~~ the absence, or inability of the President to act and perform such duties of the President that may be required.
2. Serve the unexpired term of the President in the event of the death, disability, resignation or removal of the President from office. He/she shall not be prohibited from serving his/her otherwise normal term as President in this event.
3. Represent the Association before other organizations at the request of the President or when invited to do so. At all times the President-Elect should speak in favor of issues adopted by the Association, against those issues the Association opposes and take no side on issues the Association has chosen not to take a position.
4. Serve as a member and attend all meetings of the Executive Committee and Board of Directors.
5. From time to time perform such other duties as directed by the President, the Executive Committee, and the Board of Directors.
6. At the appropriate time, work to select Committee Chairs/Vice Chairs, Committee charges and goals, Committee members, etc., for the next Association year.
7. Serve as a Director of Florida Realtors® during the term of office and attend all Florida Realtors® events including, but not limited to, the Mid-Winter meetings, Mid-Year meetings at the Annual Convention, and NAR meetings as noted in the Travel Section.

| C. Secretary/Treasurer

Secretary/Treasurer Specific Responsibilities are to:

1. Serve as Chair of the Finance Committee.

2. Serve as a member and attend all meetings of the Executive Committee and Board of Directors.
3. Present the proposed budgets to the Executive Committee and Board of Directors.
4. Review the monthly financial report with the Association Executive.
5. Present the financial statements, including summary of income and expenses and current budget to the Board of Directors.
6. Prepare and submit to the President any assigned or interim special reports.
7. Present Finance Committee recommendations to the Board of Directors.
8. Review audit(s) and annual tax returns with Association Executive and President.

#### D. Immediate Past President

Short Description: The Immediate Past President shall serve as a member of the Executive Committee and in an advisory capacity to the President.

Immediate Past President's Specific Responsibilities are to:

1. Serve as an Advisor and be available when called upon by the President, Executive Committee, or Board of Directors.
2. Serve as a member, and attend all meetings, of the Executive Committee and Board of Directors.
3. Serve as chair of the Nominating Committee in accordance the EPCAR bylaws, and receive nominations for Officers and Directors. Report of the Nominating Committee shall be no later than the August Association membership meeting.

#### E. Board of Directors Duties

Short Description: Functions of the Board include approving outcomes to be accomplished; making certain the desired outcomes are being achieved; and ensuring that resources for achievement are available and used effectively. The Board of Directors is the governing body of the Association and is elected as set forth in the Association's Bylaws. A majority of the Board of Directors constitutes a quorum.

Board of Directors Specific Responsibilities are to:

1. Represents the entire EPCAR membership.
2. Administer the association finances and exercise the authority, through the approval of an annual budget, to appropriate money and to approve expenditures in excess of \$1,000.
3. Attend all meetings. Two unexcused absences or three total absences from scheduled or special meetings shall be considered a resignation. The Board reserves the right to review reasons for absences and, if they deem appropriate, to reinstate a member who is considered resigned due to missed meetings.

4. Review all decisions of hearing panels for ethical violations in accordance with the NAR Professional Standards Procedures.
5. Serve on an appeals hearing panel at the discretion of the President.
6. Exercise the Governing Responsibilities & Duties including: establish or approve policy, understand issues facing the Association; insure proper use of assets; ratify and implement the Association's strategic plan; fulfill fiduciary responsibilities; construct the bylaws and governing documents; approve new members; honor procedures and authority vested in the Association Executive.
7. Act as a Liaison to a specific committee as assigned by the President. Director liaisons are the communication link between the committee and the Board of Directors.
8. Attend required annual EPCAR or Florida Realtors® Grievance and Professional Standards Procedures training prior to serving in a decision-making capacity regarding ethics complaints or hearing panel decisions.
9. In filling vacancies on the Board of Directors- recommendations shall come from the Executive Committee and recommended to the Board of Directors for approval. *(approved June 22<sup>nd</sup>, 2016)*
10. If for any unforeseen circumstances, the number of directors from same office exceeds Bylaw, - the member shall be allowed to serve the remainder of the calendar year until the annual election. And there shall be no more than 3 total members of the same office on the Board of Directors at such time *(approved July 27<sup>th</sup>, 2016)*

#### F. Committee Chair / Vice Chair Duties

Committee Chair / Vice Chair Specific Responsibilities are to:

1. Submit an action plan to be approved by the Board of Directors no later than the last day of January of each year. Committee action plans should indicate an understanding of and commitment to the objectives of the Strategic Plan.
2. Report committee progress, in writing, to the Board of Directors by Friday prior to the Board of Directors regular meeting.
3. Plan and conduct effective meetings by providing proposed agenda to committee members 24 hours in advance and coordinating with designated staff liaison prior to deadline.
4. Operate the committee within the committee's budget, if applicable, as approved by the Board of Directors. Submit proposed budgets for each scheduled event within the committee's scope of service. Requests for monies over budget must be submitted on the appropriate form to the Chief Executive at least 10 days prior to the Finance Committee meeting. All net income from events shall become a part of the Association's operating budget. A committee may submit a recommendation to the Finance Committee for use of net income from event.
5. Coordinate events and details with designated staff liaison by submitting appropriate forms and by adhering to deadlines.

6. Submit Minutes of meeting to Chief Executive within 5 business days of meeting.
7. Coordinate notice of meetings with designated staff liaison. Meeting notice to be sent minimum of two weeks prior to meeting.

G. Committee Member Duties: Committee Member Specific Responsibilities are to:

Attend all meetings. Two unexcused absences or three total absences from scheduled or special meeting shall be considered a resignation. The President and Chief Executive reserve the right to review reasons for absences and, if they deem appropriate, reinstate a member who is considered resigned due to missed meetings.

H. Executive Committee

Committee Member Specific Responsibilities are to:

1. Committee is comprised of the following officers: President, President Elect, Vice President, Secretary/Treasurer, and immediate Past President.
2. In accordance with Association bylaws, the Executive Committee is subordinate to the Board of Directors. While the Executive Committee governs on behalf of the Board of Directors, the Board of Directors retains the authority to amend their decisions.
3. The Executive Committee is authorized to employ or enter into an employment contract with the Association Executive upon an expressed directive from the Board of Directors.

I. Grievance Committee and Professional Standards Committee

Grievance Committee and Professional Standards Committee Member Specific Responsibilities are to:

1. Strictly adheres to the guidelines of the NAR Code of Ethics and Procedures Manual and Bylaws of the Association.
2. Attend required annual EPCAR or Florida Realtors® Grievance and Professional Standards Procedures training prior to serving in a decision-making capacity regarding ethics complaints or hearing panel.

J. Secure Website statement:

Statement: The purpose is for publishing and reviewing confidential documents such as financial documents for BOD and Finance Committee. All documents will be posted and available for viewing for up to one calendar year. Board Members and Finance Committee members will have access upon signature of the Confidentiality Agreement and will be removed from secure access upon termination of their term. *(approved July 27<sup>th</sup>, 2016)*

## SECTION 3 FINANCIAL POLICIES AND PROCEDURES

### SECTION 3.1 DUES, FEES, FINES AND OTHER ASSESSMENTS

Dues are covered under Article X of the Bylaws. Dues for REALTOR® Members shall be payable on or before October 31<sup>st</sup>.

A. Outstanding Invoices - Out of respect, Designated REALTOR® will be notified of agent's Outstanding Invoices on a timely basis. Broker has until November 10<sup>th</sup> at 5 PM to remove agent from DBPR and EPCAR roster. After November 10<sup>th</sup>, the Broker is responsible for unpaid invoices including subsequent late fees incurred **after November 10<sup>th</sup>**.

B. Dues Late fees –

- November 1<sup>st</sup> - Late fee & initial Notification to Broker of nonpayment
- November 15<sup>th</sup> - Additional late fee
- December 1<sup>st</sup> - Suspend Agent & the MLS is notified
- December 15<sup>th</sup> - Terminate Agent
- December 16<sup>th</sup> - Broker is Billed for Non-member Sales Person - Due by December 30<sup>th</sup>
- January 1<sup>st</sup> - Suspend Broker (therefore Office is suspended) & the MLS is notified
- January 15<sup>th</sup> - Termination of Broker (therefore Office will be inactive with EPCAR & MLS will be notified of the inactive status)

Board of Directors will review specific requests presented in writing.

The Board of Directors approves current schedule of Dues, Fees, Fines and other assessments, in conjunction with the Annual budget.

C. No Show Fee – Any member who is registered for a non-paid event and fails to attend without proper cancellation notification will be assessed a No Show fee. Any member, who is registered for a paid event, has not paid by the registration deadline and fails to attend without proper cancellation \* notification will be assessed a No Show fee in addition to the event fee.

D. Cancellation of Registration – Members registered for paid events who do not properly cancel\* prior to registration deadline will not be eligible for a refund.

*\*Proper cancellation is written notification sent to the Association prior to the registration deadline. Written notification may be by email or note delivered to office.*

### **SECTION 3.2 GENERAL**

A. A financial audit shall be conducted by an outside accounting firm as directed by the Board of Directors on an as needed basis.

B. Bids. A minimum of three bids shall be submitted to the Board of Directors on purchases of any capital expenditure, furniture, fixtures or services costing over \$1,000.00 and not already included in the budget. No officer, director, or employee of the Association shall have direct or indirect interest in the



contracting or purchasing of goods and services without full disclosure to and approval of the Board of Directors. All contracts should be rebid a minimum of every three years.

- C. Negotiation of Contracts. Negotiation and execution of contracts, as approved by the Board of Directors, shall be entered into by the Association Executive.
- D. Bonding. All Association staff shall be bonded.
- E. Budget. The Association Executive and the Treasurer shall draft a preliminary budget for the coming year and present it to the Finance Committee. The Finance Committee shall recommend a budget to the Board of Directors. The Board of Directors shall administer the finances of the association by adopting an annual operating budget no later than the end of August for the ensuing year. A balanced budget shall be maintained at all times.
- F. Returned Checks: The member will be notified of any check returned for nonsufficient funds, account closed, etc. and will be charged a fee based on the current schedule of fees.
- G. Credit Cards/ Debit Card. The Association Executive and President (during term of office) shall obtain a credit card or debit card in the name of the East Polk County Association of REALTORS®, Inc. for the purpose of charging allowable expenses under Association policies.
- H. A copy of the total budget by major categories for the year shall be available at the Association office for Member on-site review. Any Reports made available to the board of directors such as P&L, Balance Sheet or Significant Changes shall be made available to a REALTOR® Member at the Association office for on-site review upon advance request of the Association Executive. The Treasurer may take Copies of Prior Years Budgets as well as other financial documents out of the office but not copy or distribute them.

### **SECTION 3.3 GUIDELINES FOR REIMBURSEMENT OF MEETING EXPENSES**

All the following reimbursements pertain only to those individuals actually attending the stated function and who are not otherwise reimbursed by the State or National Association or any other Association affiliation. Anyone who is eligible for reimbursement from any other source such as NAR, Florida Realtors®, District, etc. should seek reimbursement from that source first. In any case, reimbursement should never exceed actual costs incurred. No reimbursement should be for any duration beyond the time the individual is scheduled to be at the meeting.

All Florida Realtors® and NAR Directors should serve on one or more Committees and shall attend those specific committee meetings in addition to the Florida Realtors® or NAR Board of Directors meeting. The expense reimbursement will require the individual to verify that he/she attended such meetings as well as the Board of Directors meeting prior to reimbursement of funds.

All expense reimbursements are subject to the availability of budget funds. Travel reimbursements shall be based on the current IRS mileage allowance or plane (coach) fare. Lodging to be standard accommodations and whenever possible, sharing of rooms. The per diem expense is not to be used for personal expenses or activities.

Reimbursement requests should be submitted within 30 days of the completion of travel to better account for reimbursement liabilities and budgeting. Copies of original receipts must be provided, including actual itemized receipts for any allowable expenses.

**FLORIDA ASSOCIATION OF REALTORS –**

Mid Year and Convention Meeting:

President, President-elect, Chief Executive	Regular Travel, Lodging, \$ 100 per diem for meals
Leadership Training: President-elect, Chief Exe	Regular Travel, Lodging, \$ 100 per diem for meals
AE Meeting: Chief Executive	Regular Travel, Lodging, \$ 100 per diem for meals
Spokesperson Training: President-elect	Regular Travel
Professional Development Seminar: PD Chair	Regular Travel
Legislative Days: President, RPAC Chair	Regular Travel, Lodging, \$ 100 per diem for meals

**NATIONAL ASSOCIATION OF REALTORS**

- REALTOR® Party Convention & Trade Expo:

President, Chief Executive	Regular Travel, Lodging, \$ 125 per diem for meals
Conference & Expo: President-elect, Chief Exe.	Regular Travel, Lodging, \$ 125 per diem for meals
Leadership Training: President-elect, AE	Regular Travel, Lodging, \$ 125 per diem for meals

Institute: Chief Executive	Regular Travel, Lodging, \$ 125 per diem for meals
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**Other:**

Additional travel expenses will be reimbursed when approved by the Board of Directors.

**SECTION 3.4 COMPLIMENTARY TICKETED FUNCTIONS**

- The President shall attend membership meetings at no charge.
- There shall not be any charge to staff members to attend any association function.
- Annual Meeting/ Installation: Current President, incoming President and spouse/ guest, current Officers, Chief Executive and staff.

**SECTION 3.5 EXPENDITURES**

Any expenditure outside of budgeted funds must have the approval of the Board of Directors.

**SECTION 3.6 COMMITTEE EXPENDITURES**

All committee expenditures must be within the committee’s approved budget or upon prior approval of the Board of Directors.

**SECTION 3.7 SIGNATORIES**

Two (2) signatures are required on checks. Authorized signatories are the Treasurer, President, President-elect, and the Association Executive. The Chief Executive and the Treasurer shall be primary signers and if not available, the President or President-elect shall sign in place of the Treasurer.

**SECTION 3.8 INVESTMENTS**

An investment account shall be maintained for funds not required for immediate operating expenses. All funds shall be fully insured. Account balances are not to exceed FDIC limits. Accounts held by an investment

house shall remain within SIPC or house limits, whichever is greater. The primary goal of said accounts is to safeguard the association's assets. A secondary goal is to achieve a reasonable rate of return on these assets.

A. Reserve Funds

There shall be a reserve fund equal to a minimum of one hundred percent (100%) of the net expenses for the current budget year. They shall be invested in accordance with the approved investment policy and shown as a separate line item on the balance sheet. The Board of Directors must approve any withdrawals of funds.

1. Long Term (3-5 years) Minimum of up to one (1) year of operation funds.
2. Short Term Investment (easily access): CD's, Vanguard or other high yield fund.

B. Internal Controls:

1. Incoming bank statements will be reviewed by a member of the Executive committee.
2. Under ordinary circumstances, only one reimbursement check shall be issued to the Association Executive each month. (Exceptions may be made for emergencies or when the Association Executive is required to make a cash payment on behalf of the Association.)
3. Although board approval is not required for purchase under \$1,000, the Association Executive shall inform the finance committee and the Board of Directors if there are purchases of any Capital Assets or other items costing over \$100, as long as it is within the current budget.

C. Investments

1. See Attachment 2

## SECTION 3.98 AWARDS

### A. REALTOR® OF THE YEAR

The REALTOR® Awards will be the responsibility of the Awards, Nominating & Election Committee.

1. Committee members and method of selection should be held in strictest confidence.
2. Committee members should be familiar with the accomplishments of those persons whom they wish to place in nomination and should include all the criteria listed below as necessary in their selection process.
  - a. Participation in local Association activities (most important)
  - b. Civic Activities: Contribution to governmental, cultural, social, and religious activities.
  - c. Participation in activities of the State & National Associations.
  - d. Other significant achievements.
3. The Committee must give special emphasis to local Association activities and local civic involvement. While NAR and FR are important, it should be considered that not all REALTORS® have the opportunity to serve the same levels.
4. In the committee's opinion, if no REALTOR® has made a significant contribution as set forth in this policy, they shall recommend that the award not be given that year.

B. Bruce R. Flanagan “GOOD SAMARITAN” Award.

1. The selection will be by the Awards, Nominating & Election Committee.
2. The recipient may be a member, affiliate or staff of EPCAR or an individual not affiliated with the Association but whose contribution to the real estate industry has effectively enhanced the quality or use of real property.
3. Recipient should be one whose unselfish participation and efforts in non-industry activities have been exemplary in charitable, civic, religious, educational, or political affairs. Recipient could also be one who has a strong influence in the enhancement of the arts, athletics, or recreation for the benefit of the public.
4. The recipient’s individual achievements should be given major consideration, not one’s fame or prominence.
5. If posthumously awarded, the recipient’s achievements should be recognized rather than the individual eulogized.
6. Recognition of a whole way of life is the goal to be achieved in considering all qualifications.
7. In the committee’s opinion, if no person has made a significant contribution as set forth in this policy, they shall recommend that the award not be given that year.

C. Business Partner ‘AFFILIATE’ Member of the Year.

The purpose of this Award is to select an Affiliate member who deserves recognition for Association participation and activity. In the committee’s opinion, if no member has made a significant contribution as set forth in this policy, they shall recommend that the award not be given that year.

D. Rising Star Award.

The purpose of this Award is to select a REALTOR® member, which would be a fairly new licensed REALTOR® that has continued to attend educational classes and has participated in the Associations functions. In the committee’s opinion, if no REALTOR® has made a significant contribution as set forth in this policy, they shall recommend that the award not be given that year.

E. Marlene Duffy Young Award for Outstanding Political Accomplishments.

A REALTOR®, Business Partner or Staff member who has gone above and beyond in the political arena.

## **SECTION 4 - MEMBERSHIP AND OBLIGATIONS**

**SECTION 4.1 QUALIFICATIONS AND CRITERIA** - See EPCAR Bylaws, Article V.

**SECTION 4.2 OBLIGATIONS** - See EPCAR Bylaws, Article VI.

### **SECTION 4.3 CHANGE OF STATUS**

Upon termination of his licensure with a REALTOR® Member, or his association with him as an independent contractor, a REALTOR® shall be eligible for reinstatement, with the payment of appropriate fees, if he becomes employed by a REALTOR® Member, or is associated with him as an independent contractor, within one hundred eighty (180) days of such termination, or a REALTOR® may establish his own business within such one hundred eighty (180) day period. If membership in the Association has not been reinstated within

one hundred (180) days, he shall thereafter apply for membership in the manner prescribed for new applicants. Former REALTORS® reapplying who have completed Orientation in the last twelve months are not required to attend Orientation again.

#### **SECTION 4.4 LEAVE OF ABSENCE**

Any request for a leave of absence from EPCAR shall be submitted in writing to the Designated REALTOR® of the firm, who shall transmit it to the Board of Directors for its consideration. Applications for leave of absence will be considered only in cases of serious illness, pursuit of further education in real estate, or other serious personal hardships other than financial. These requests shall be for no more than a six-month period. Any request for an extension of a leave of absence must be submitted in writing and the reason given at the expiration of each six-month period. A statement shall accompany any request for a leave of absence for medical reasons from the Physician. These requests will be submitted to the Board of Directors. Dues will be waived in all cases of Leave of absence.

#### **SECTION 4.5 RESIGNATIONS**

Resignation shall not relieve a member of his obligation for dues and fees incurred.

#### **SECTION 4.6 ORIENTATION ATTENDANCE**

Applicants for REALTOR® membership in the Association who are required by the Association Bylaws to attend and successfully complete a course of instruction otherwise known as Orientation are required to attend the next available class offered after the date of their application for membership. Failure to comply with this ruling will result in the applicant being dropped from consideration by the Association. Reapplication to the Association will require payment to the Association of a new application fee in the amount equal to the original application fee.

Exceptions to miss first available class will be considered on an individual basis by the Association Executive. Exceptions for missing 2<sup>nd</sup> available class will be considered on an individual basis by Board of Directors. Any request must be submitted by the applicant in writing 3 days prior to date of Orientation class.

#### **SECTION 4.7 ORIENTATION WAIVER**

Applicants for REALTOR® membership who are not involved in residential real estate brokerage may be waived from parts of instruction of the Association's Orientation course according to the following methods:

1. If the applicant is associated with a firm which is not participating in the residential MLS, the waiver from attending the additional courses may be requested prior to the date of Orientation.
2. If the applicant is associated with a firm whose Principal is a participant in the residential MLS, a letter from the Principal must accompany the applicant's membership application requesting a residential MLS waiver for that individual. If either criterion is met, the Association will then advise the applicant that he/she need only attend the required courses.

## SECTION 4.8 NON-MEMBER SALES-PERSON

An agent joining any member Broker's office shall be given ten business days from the date they become active with that office in the Florida Department of Business & Professional Regulation (DBPR) records, to apply for membership in EPCAR.

In the event the agent does make of keep the new member appointment within the ten business days, their Broker shall be inform of the infraction and the Broker shall be billed for a Non-member sales person for the remainder of the billing period, or until the agent applies for EPCAR membership.

Should the Broker fail to notify EPCAR of their new agent, they will be billed at the time EPCAR receives the notice of Unreported Licensee(s) from Florida Realtors®, or becomes aware of the new agent; however the fee shall be calculated starting ten business days from the Broker's reporting to DBPR of the agent's active status with that Broker's office.

## SECTION 5 - MEETINGS

Association shall meet monthly. At any meeting where Association business are to be discussed or deemed private by the Board of Directors, the Association shall notify the Affiliate Members prior to the meeting of this fact and that they are excused from the business portion of the meeting.

## SECTION 6 - MEDIATION

Refer to EPCAR Bylaws, Section 6

## SECTION 7 - FILE RETENTION

- 7.1 Grievance. Grievance complaints filed with the Association, reviewed by the Grievance Committee, but not forwarded onto a hearing are to be destroyed following the expiration of the appeal period. (NAR has designated the appeal period to be 20 days after notification of decision of Grievance Committee has been filed.)
- 7.2 Hearing / Mediation Files. Hearing / Mediation files are to be destroyed following the appeal period of 20 days and after notification of decision of Hearing Panel and review by the Board of Directors.
- 7.3 Inactive Files. Inactive member's files, which are free of Professional Standards violations, are to be retained for one year from date of departure from the Association. All other inactive member files are to be retained for an indefinite period of time. Membership entrance and departure dates are to be retained on all inactive members for five years following the date of departure from the Association membership.

Type of Record	Period of Time
Accident reports and claims	7 years
Basic Corporate Documents (Includes bylaws, minutes, articles of incorporation, not for profit recognition letter from IRS, charter, annual financial operation, and sales reports)	Permanently

General Correspondence	3 years
Legal Correspondence	Permanently
Financial documents such as accounting journals and ledgers	10 years
Accounts receivable and credit (not cash) receipts	6 years
Audits	Permanently
Billing and cash receipts	Until federal and state tax clearance
Canceled general checks copies	10 years
Canceled payroll checks and payroll records	6 years
Chart of Accounts	Permanently
Depreciation schedules	Permanently
Financial statements (monthly & quarterly)	6 years as filed for audit by B.O.D.
Insurance policies (expired) i.e. property/workman's compensation	3 years following expiration date
Other records	Permanently
Legal documents and copyrights	Permanently
Contracts and leases	6 years after expiration date
Deeds	Permanently
Lawsuits (settled)	10 years after settlement
Membership Applications	3 years from date of termination or 3 years from date of rejection from Board of Directors
Payroll and earnings records	6 years
Payroll register	6 years
Pension information	Permanently
Personnel files and Employment Applications	3 years from application & if hired, 3 years from date of termination

### **SECTION 8 - WEATHER RELATED ISSUES**

The Association Executive will contact the President to cancel committee meetings and/or to close the Association building due to weather related concerns.

### **SECTION 9 - FIREARMS AND WEAPONS**

The Association prohibits firearms and other weapons on Association property. Consistent with the Association's policy to provide protection to employees against safety hazards, it is the policy of the Association that no employee, excluding law enforcement personnel while performing their job, shall be allowed to possess any type of firearm, knife or other weapon on Association property. Any violation of this policy must be brought to the attention of the Association Executive. An employee in violation will be subject to immediate dismissal.

## SECTION 10 - MEMBER SERVICES

### SECTION 10.1 PRODUCTS AND SERVICES

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The Association Executive may negotiate programs for new or continuing services, group discounts, buying programs, etc, which help members, and may, as an alternative benefit, provide non-dues income to the Association.

### SECTION 10.2 PROMOTIONAL BLAST EMAIL

The EPCAR Promotional Blast email is a service available to REALTOR® members and Business Partner members only. The promotional content must be relevant to the Real Estate Industry and or useful to the REALTOR® community in performing Real Estate services. The advertised entity must be an EPCAR member. Promotional material must be submitted in copy ready form to the EPCAR office within the timeline specified by the Association Office. Blast will be scheduled when both payment and copy are received.

## SECTION 11 - StellarMLS

The Association maintains a Multiple Listing Service and it is a Shareholder with StellarMLS. The organization is in accordance with the Association's Bylaws, Article XVIII,

## SECTION 12 - SPONSORSHIPS

Association events may be sponsored by Affiliate and REALTOR® members. Staff and appropriate committee members may, upon approval of the Executive Committee, contact Affiliate and REALTOR® members to assist in providing in-kind services and support for events.

## SECTION 13 - POLICY AMENDMENTS AND PROCEDURE

The Board of Directors is authorized to amend, delete, or add to the Association's Policies & Procedure without the subsequent approval of the membership.

A Review the complete Policy Manual will take place Every 2 years but the Policy Committee shall remain in place annually. *(approved 6/22/16)*

## SECTION 14 - CONFLICT OF INTEREST

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**CONFLICT OF INTEREST POLICY** A potential conflict of interest occurs when any related party (e.g. a company, a partnership, affiliates, management or members of immediate family) is in a position to profit directly or indirectly because of a position with the East Polk County Association of REALTORS®.

A conflict can exist even if actions do not adversely affect the Association. Instances in which there might be a conflict of interest include but are not limited to: (1) purchasing equipment, supplies, or services for the Association (2) purchasing, selling, or leasing property for the Association (3) loans or preferential investment opportunities using confidential information (4) gifts and entertainment exceeding \$25 value. A given situation may or may not present a conflict of interest, depending upon the facts and circumstances. Each member shall disclose in writing any situation that may present a possible conflict of interest while doing business on behalf of the Association to the Board of Directors. The Board of Directors shall advise the member in writing as to whether or not a conflict exists and if



not, authorize the member to proceed in the matter.

One may not give an unfair advantage to members of his/her immediate or extended family or to Other related parties. If a related party offers the best products or service with the best value for the Association, he/she may be used as a vendor. He/she should not receive any preferential treatment.

Association members, members of the Board of Directors and the Association Executive are responsible for reporting all actual and potential conflicts to the President of the Association. The President is responsible for reporting all actual and potential conflicts to the Board of Directors. The Board of Directors shall automatically refer possible violations of the conflict of interest policy to the Professional Standards Committee for a hearing.

Officers and Directors will review and sign the Confidentiality and Conflict of Interest Policy annually at the start of the Association's fiscal year. *(April 11, 2016)*

### **SECTION 15 - WHISTLEBLOWER POLICY**

A whistleblower is a member of the Association who reports information that he/she has reasonable cause to believe discloses a violation of state or federal law to one or more of the parties specified in this Policy.

If a member has information which he/she reasonably believes discloses a violation of state or federal law, the member should contact the Association Executive unless the violation involves the Association Executive, at which point, the member should contact the Association President. Members are also permitted to contact the appropriate law enforcement or government agency. The member must exercise sound judgment to avoid baseless allegations. A member who intentionally files a false report of wrongdoing will be subject to all remedies afforded by the rule of law.

Insofar as possible, the confidentiality of the whistleblower will be maintained. However, identity may have to be disclosed to conduct a thorough investigation, to comply with the law or to provide accused individuals their legal rights of defense. The Association Executive or the Board of Directors will not retaliate against a whistleblower or any member who refuses to participate in an activity that would result in a violation of state or federal law. This includes, but is not limited to, protection from retaliation in the form of an adverse membership action such as termination, poor assignments or threats of physical or professional harm. Any member who believes he/she is being retaliated against must contact the Association Executive unless the violation involves the Association Executive, at which point, the member should contact the Association President. The right of a whistleblower for protection against retaliation does not include immunity for any personal wrongdoing that is alleged and investigated, or disclosures that would constitute a violation of the attorney-client privilege. *(APPROVED: May 24, 2016)*

### **SECTION 16 - NEPOTISM**

NEPOTISM: The hiring and/or showing of favoritism toward relatives are contrary to the policy of the East Polk County Association of REALTORS®. Therefore, no person employed as an Association staff member may be related by blood or marriage to any Board of Directors member or another staff member.

*(APPROVED and Effective 1/1/2017)*

“Employed position” shall be defined as any financially compensated post or work of any type.  
“Relatives” shall be defined as any person who is related within the fourth degree, either by consanguinity or by affinity. This shall include, but not be limited to, father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in law, mother-in law, son-in law, daughter- in law, brother-in law, sister-in law, stepfather, step-mother, step-son, step-daughter, step-brother, step-sister, half-brother, or half-sister and include persons related by adoption or birth. The construction, interpretation, and application of this policy statement shall be guided by the same interpretations, construction, and application as Section 116.111 Florida Statutes, 1987 (as amended) which proscribes the employment of relatives for public officials. (APPROVED: May 24, 2016)

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## Attachment 1

### **Task Force Guidelines**

#### **Name: Golf & Bowling Tournament Task Force (TF)**

Purpose: to plan the annual Golf and Bowling Tournament(s) with proceeds to benefit the EPCAR Scholarship Fund

Meets: 2 months prior to event

#### **Name: Afterhours TF**

Purpose: To promote networking, team building and fellowship among the members and community via diverse after hour gatherings.

Meets: 2X/yr (beginning and midyear)

#### **Name: Professional Development TF**

Purpose: To assist the association in developing a well-rounded education program for its realtor® members for the 2014-2015 year (Jan-Feb). This group will also help in the ‘speaker selection’ for the regular monthly luncheons.

Meets:: 2x/yr (Jan/Feb to set schedule for first half of the year & June for the rest of the year.

#### **Name: Business PARTNER Expos TF**

Purpose: To spotlight business partner services at two main events: Spring Fling & Trade Expo

Meets: 2x year: Jan/Feb & Aug

#### **Name: Community Involvement/ Holiday TF**

Purpose: To promote/coordinate good will in the community specifically during peak periods/holidays such as Valentine’s Day, Fourth of July, Back to School, Thanksgiving –canned goods, Christmas (mission and toy drive)

Meets: as needed

#### **Name: Scholarship TF**

Purpose: To continue to uphold EPCAR’s mission of promoting higher education by awarding annual scholarships to our community students. This group is passionate for raising funds for this cause through two

main events, Outback and Carrabbas take out lunch.

Meets: as needed (Scholarship period is May-June)

**Name: Building/Renovations TF**

Purpose: To continue to address building maintenance issues and work to improve the public face of the association office by focusing on developing a more efficient & professional look throughout.

Meets: monthly/bi-monthly or as needed

Attachment 2

**EAST POLK COUNTY ASSOCIATION OF REALTORS®**  
**Investment Objectives and Guidelines**

August 2013

**OVERVIEW**

This document sets forth the objectives, responsibilities, strategies, and guidelines for the management of the Association's operational and reserve investment funds.

Operational Funds consist of undesignated assets which are available for support of the Association's ongoing current activities.

Reserve Funds consist of long term and current assets designated to fulfill funding requirements for two specific purposes: (1) authorized Association activities that exceed revenue sources and (2) the expansion, addition, replacement or repair of major fixed assets of the Association (*i.e. building mechanical components, computer systems, phone systems, etc.*). The fundamental objective of the Reserve Fund is to amass in reserves sufficient assets to maintain the services of the Association through periods of economic downturn, to address issues of critical concerns of the real estate industry and fund the sinking fund set-a-side program for major fixed asset expenditures.

**OBJECTIVES**

- use sound investment vehicles that are adequately diversified to limit exposure to changing economic conditions while combining that with timely market decisions and a reasonable rate of return
- maintain sufficient liquidity to meet daily and projected cash needs of the fund
- Assess and establish the association's investment risk posture as described below.

Investment market return data suggests that, over long periods of time, there is a relationship between the levels of risk (*i.e.*, volatility of investment returns) assumed and the level of returns that can be expected in an investment program. In general, higher risk is associated with higher expected returns.

Given this relationship between risk and return, a fundamental step in developing investment objectives and guidelines for EPCAR is the determination of the association's risk posture. The Investment and Treasury Management Committee has examined both the association's risk tolerance, the **ability** to take on investment risk, and its risk preference, the **willingness** to take on investment risk.

The association's overall risk posture is balanced. There is a desire to obtain the best possible return, yet safely maintain the association's investments on behalf of the members.

## RESPONSIBILITIES

### **Investment and Treasury Management Committee**

- implementation of investment objectives and guidelines
- monitor performance of investments assuring that objectives are being met while adhering to the guidelines
- annually review investment objectives and guidelines.
- selection and monitoring the performance of Investment Management Firms
  - at a minimum, every three to five years the Committee will undertake a review and/or search that results in a specific recommendation to the Board of Directors as to which firms will be utilized
  - the primary judgment criteria will be the performance of the Investment Firm as compared to the approved benchmark indices over the course of a full market cycle (three to five years), or as needed depending on performance versus indexes or peer groups.
  -
- monitor the association's operational funds set aside for investment.
- provide direction on rebalancing suggestions made by the Investment Management Firms

### **Investment Authorization**

Dual signatures from any two out of three of the Executive Officer (Association Executive), President and Treasurer of the association are required on any authorizations or documents necessary to be executed in establishing, maintaining or closing account relationships.

Transfers of cash between EPCAR internally established Funds (Operating Fund, Reserve Fund, etc.) shall be reported to the Investment and Treasury Management Committee, as well as the Treasurer of the association, or in their absence to the President of the Association.

Investment Managers shall communicate proposed investment reallocations to the Association Executive and the Investment and Treasury Management Committee for the Committee to approve.

### **Investment Management Firms**

- report on at least a quarterly basis the performance of the total fund investments they are managing
- Provide monthly portfolio, as well as market reports, that keep the committee informed of any material changes in personnel, investment strategies, or other pertinent information that would potentially affect the performance of the fund investments they are managing
- adhere to the EPCAR Investment Guidelines
- rebalance the investment portfolio as needed

## INVESTMENT STRATEGIES AND GUIDELINES

### **Asset Allocation Targets**

The asset allocation will be diversified across growth strategies and income strategies. The objective of the growth strategies is to provide a rate of return that will grow the purchasing power of the investments. The objective of the income strategies is to minimize the principle risk and maximize current income. There are two kinds of risk to minimize. Institutional Risk relates to the capacity of the institution to preserve the assets of an investor. Investment Risk relates to the degree to which an investment's principle can fluctuate in value based on market changes.

### **Asset Categories & Associated Risks**

- Investment Options will be made from the following list of categories:

#### **U.S. Domestic Equity Investments**

Domestic equity investments should primarily provide appreciation of principal as well as current dividend income and growth of income, with the recognition that this requires the assumption of greater market volatility and risk. Industry and

company investments shall be based upon demonstrable analysis of prospects for above average returns based upon each Investment Managers objectives as selected by the Finance Committee. Investments shall be primarily in well-seasoned, quality companies whose securities enjoy marketability adequate for the portfolio. U.S. domestic investments shall be chosen from the New York Stock Exchange, the American Stock Exchange, regional exchanges, and the National over-the-counter market that continually provide liquidity and are of good standing in the investment community. Neither privately held stocks nor letter stock shall be included except when selected as an alternative investment allocation per the Target Asset Mix.

## **Alternative Investments**

Generally, alternatives include private equity, hedge funds, managed futures, real estate, long/short strategies, market neutral and absolute return strategies. Alternative investments offer risk/return profiles that may differ from traditional investments such as publicly-traded stocks, bonds, and cash. Additionally, alternative investments may offer low to no correlation to traditional investments and can have risk adjusted returns that by themselves exceed the risk parameters of this policy. Given their unique attributes alternative investments are subject to approval by the Finance Committee and are limited to the allocation provided in the Target Asset Mix.

## **Domestic Fixed Income Investments**

Fixed income investments should provide a highly predictable and dependable source of income and reduce volatility of the market value of the total portfolio. The investments shall be limited to government (Federal, State and Local) securities, government agencies, mortgage backed pass-through's (government agencies), corporate bonds, and other asset backed securities deemed by the Investment Manager(s) and the Finance Committee to be appropriate. The maximum duration and maturity should be plus or minus 20% of the representative benchmark for the Investment Manager(s). The credit rating of all fixed income investments must be at least BBB by Standard and Poor's or Baa2 by Moodys. An average rating of AA should be maintained, however, this average by be lower or higher at times and will be monitored by the Finance Committee. Rating restrictions do not apply to Alternative and High Yield Investment Managers; their guidelines supersede these restrictions as selected by the Finance Committee.

## **Operating Fund Investments will fall within the following Risk Categories as applicable:**

### **CASH EQUIVALENT**

**Secured Risk** – Instruments maturing in less than 12 months, such as U.S. Government Treasury bills and CD's, Money Markets, and other accounts established with a financial institution that are fully insured by FDIC, NCUA, FSLIC, SIPC or other US government organizations. Short term securities which are backed by the full faith and credit of the U.S. Government or its agencies (Fannie Mae, Freddie Mac, etc.) CD's, Money Markets, and other accounts established with a financial institution that are not fully insured by US Government organizations, but for which the institution has obtained additional insurance or a letter of credit. All assets held within a trust company.

**Minimal Risk** - Commercial paper rated P1; as well as mutual funds or other pooled securities that invest in those cash equivalents listed above.

### **FIXED INCOME**

**Secured Risk** – None

**Minimal Risk** – Due to investment risk, U.S. Government Treasuries and mutual funds or other pooled securities that invest in those notes and bonds. Notes or bonds, which are backed by the full faith and credit of U.S. government agencies as well as mutual funds or other pooled securities that invest in those notes and bonds.(Fannie Mae, Freddie Mac, etc.)

**Low Risk** – Corporate bonds that have at least an "A" rating , as well as mutual funds or other pooled securities which meet such parameters; with the Managed Fund or Portfolio needing to have an average quality of at least AA..

### **EQUITIES**

**Moderate Risk** – Domestic Large Cap, MidCap, and Small Cap Investments.

**Higher Risk** –International Investments, Real Estate Investment Trusts, Commodity Mutual Funds or indexes.

Securities are 12 months or less in duration to maturity.

Notes are one to five years in duration to maturity.

Bonds are six years or greater in duration to maturity.

### **Recommended Allocation Guidelines, Targets & Benchmark Indices**

The Board of Directors expects the asset allocation guidelines to reflect and be consistent with the investment objectives and risk tolerances expressed throughout the policy. These guidelines, developed after examining the historical and future capital market relationships of risk and return among asset classes, are designed to provide the highest probability of meeting or exceeding the return objectives at the lowest possible risk.

The following table outlines the asset allocation guidelines with regard to acceptable asset classes, the overall Target Asset Mix (and ranges), and the representative indices that will be used to evaluate the performance of each asset class:

<b>Reserve Funds Target Asset Mix</b>				
<b>Asset Classes</b>	<b>Minimum (-30%)*</b>	<b>Target Mix</b>	<b>Maximum (+30%)*</b>	<b>Representative Index</b>
<b>Domestic Equity</b>		<b>27.00%</b>		
Large Cap Equity	12%	17.00%	22%	Russell 1000 Index
Mid Cap Equity	4%	5%	7%	Russell Mid Cap Index
Small Cap Equity	4%	5%	7%	Russell 2000 Index
<b>International Equity</b>		<b>18.00%</b>		
Developed Mkts Equity	6%	9%	12%	MSCI EAFE Index
Emerging Mkts Equity	6%	9%	12%	MSCI Emg. Mkts Free Index
<b>Fixed Income</b>		<b>35.00%</b>		
U.S. Fixed Income	14%	20%	26%	Barclays Aggregate Index
International Fixed	7%	10%	13%	Barclays Global Bond Index
High Yield	4%	5%	7%	Merrill Lynch High Yield Index
<b>Alternatives &amp; Real Assets</b>		<b>20.00%</b>		
Managed Futures, Hedge Funds, Absolute Strategy	0%	8%	13%	Barclays CTA Index, HFRI Fund of Funds Index
REITs	0%	8%	13%	FTSE NAREIT Equity Index
Commodity Funds	0%	4%	6%	Dow Jones UBS Commodity Index

\* Minimum and Maximum parameters to be determined by the greater of: +/- 30% of Target round to the nearest whole percentage point, 2% above/below Target, or parity with the Target allocation if less than 2% (minimum only).

<b>Operational Fund Mix</b>			
<b>Asset Classes</b>	<b>Minimum (-30%)*</b>	<b>Target Mix</b>	<b>Maximum (+30%)*</b>
<b>Cash Equivalents</b>	<b>95%</b>	<b>0%</b>	<b>100%</b>
Secured	0%		10%
Minimal	90%		100%
<b>Fixed Income</b>	<b>0%</b>	<b>0%</b>	<b>5%</b>
Minimal	0%		100%
<b>Equities</b>		<b>0.00%</b>	

\*Per the EPCAR General Policies & Procedures Manual, the Investment Committee, with the majority of the Board of Directors' approval, has the authority to temporarily act outside of the EPCAR Investment Policy in order to preserve and protect EPCAR's assets.

### **Prohibited Investments**

The following categories of securities and investment activity are not permitted for investment without the prior written approval of the Board. Investment Manager's specific investment objectives and prospectuses do not apply.

- unregistered or restricted stock
- private placements
- Initial Public Offerings.
- options
- futures trading
- short sales
- margin trading